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SERVICE DATE – SEPTEMBER 19, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 429X)

BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN RAMSEY
COUNTY, MN

Decided: September 19, 2005

BNSF Railway Company (BNSF) and Minnesota Commercial Railway Company (MNCR) jointly filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for BNSF to abandon, and MNCR to discontinue service over, a 0.67-mile line of railroad between milepost 7.19, a point approximately 100 feet north of Interstate Highway I-694 in White Bear Township, and milepost 6.52, a point approximately 50 feet north of Beam Avenue in Maplewood, in Ramsey County, MN. By decision and notice of interim trail use or abandonment (NITU) served on September 8, 2005 (September 2005 decision and notice), the petition for exemption was granted subject to certain conditions, including the conditions that BNSF: (1) consult with the Minnesota Pollution Control Agency prior to commencement of any salvage activities, regarding possible impacts to water bodies and wetlands, mulching, seeding and sodding, inspection of switching areas for oil spills, implementation of a soil erosion control plan, and the disposition of railroad ties; (2) consult with the U.S. Environmental Protection Agency—Region 5, regarding the removal of track and track materials using the right-of-way and existing public and private crossings for access, the use of silt fencing along the edge of the wetland area to control erosion, and the reseeding of areas disturbed during salvage operations using a mix of native wetland plants approved by the Natural Resources Conservation Service; and (3) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or are listed in the National Register of Historic Places until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

By a Memorandum of Agreement, dated September 14, 2005, BNSF, the Minnesota State Historic Preservation Officer, the City of Maplewood, and the Board's Section of Environmental Analysis (SEA) have come to an agreement to resolve and mitigate adverse effects to historic properties that may be affected by the undertaking. Therefore, SEA recommends that the section 106 historic preservation condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the September 2005 decision and notice is removed. Conditions (1) and (2) imposed in the September 2005 decision and notice remain in effect.
3. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary